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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,906

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Uwe Lascbnick

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EXAMINER

BOECKMANN, JASON J

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

08/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,906

Applicant(s)

LASEBNICK, UWE

Examiner

Jason J. Boeckmann

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the nozzle insert blocking the cleaning liquid coming from on inlet of the at least two inlets, of claim 5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5-20 and 22-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The term, "with a single moving member," of line 8 of claim 1 and line 14 of claim 15 appears to be new matter. Nowhere in the specification does it say that valve controls the flow with a single moving member. In fact, from the figures, it appears that there are at least two moving members in the valve that control the flow through the at least two inlets, the member 32 and spring element 34.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, it is unclear what the term "the nozzle insert blocks the cleaning liquid coming from one of the inlets," means. Does the nozzle insert block the fluid completely, or does it just block some of the fluid? If the fluid is blocked completely, then how does the fluid exit the nozzle body?

Regarding claim 6, It is unclear as to what is meant by the term "the cleaning liquid coming from one inlet of the at least two inlets does not mix with the cleaning liquid coming from another inlet of the at least two inlets." Does it mean that the cleaning liquid does not mix when it is inside the nozzle body, or does it mean that the cleaning liquids from both inlets never meet. Both inlets direct the cleaning liquid to the same target, once the cleaning liquid hits the target, cleaning liquid from both inlets is bound to mix.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and 5-7, 15-20 and 22-24 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by Walker et al. (6,113,006).

Walker et al. shows a nozzle for a washing system in particular for vehicle windscreens, comprising: a nozzle body (elements 12 and 14 make up the nozzle body) with a receiving device (12) provided in the nozzle body, into which receiving device a nozzle insert (36) is inserted, and a valve (86) disposed within the nozzle body, wherein the nozzle insert influences a jet form of a liquid jet leaving the nozzle, the receiving device has at least two inlets (the inlets to the discharge bores 30) for a cleaning liquid, the valve controls liquid flow through the at least two inlets with a single moving member, and the nozzle insert is configured to influence the cleaning liquid coming from one inlet of the at least two inlets in a different manner from the cleaning liquid coming from another inlet of the at least two inlets.

Regarding claim 2, the nozzle body is capable of being fitted with different nozzle inserts.

Regarding claim 6, the liquid coming from both inlets does not mix inside the nozzle body due to discharge bores 30.

Regarding claim 7, the nozzle insert together with at least one wall of the receiving device (the back wall of figure 3) facing said insert forms a chamber (30), which guides the cleaning liquid.

Regarding claim 15, the valve can be controlled via the pressure of the cleaning liquid, the valve having one input (76) and two outputs (30), the outputs being connected to the inlets of the receiving device.

Regarding claims 16-18, 23 and 24, when a low pressure is applied the valve connects the input to at least one of the outputs, and when a high pressure is applied

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the valve connects the input to the other output (as long as the low pressure and the high pressure are strong enough to move the valve member 86). When no fluid is supplied, the valve separates the input from all outputs.

Regarding claims 19 and 20, the nozzle body inherently is connected to a pump (column 4, line 65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-10, 13 and 14 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,113,006) in view of Berning et al. (US 2003/0234303).

Walker et al. shows all the elements of the applicant's invention of claim 1 above, except for the nozzle insert having whirl chambers, formed together with at least one

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wall of the receiving device and each connected to separate inlets. However, Berning et al. shows a nozzle insert (18) that forms a chamber (28, 30), which influences and/or guides the cleaning liquid. The chamber is a whirl chamber and is connected to an inlet (42) and has at least one jet guide to a nozzle opening (figure 2a). The nozzle insert (18) has a whirl chamber with a jet guide on one side (26), on the other side, opposite the first side, it has a second whirl chamber with a second jet guide (24), wherein the first whirl chamber (26) is connected to a first inlet (42) and the second whirl chamber (24) is connected to a second inlet (44). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the nozzle insert of Berning et al. for that of Walker et al. in order to include the whirl chambers to atomize the cleaning liquid.

With regards to claim 14, Berning et al.'s nozzle insert (18) is made of plastic and in particular is produced in a molding process (paragraph, 0042 lines 5-8).

Claim 11 is rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,113,006) in view of Yoshida et al. (6,082,636).

Walker et al. as set forth in claim 1, shows all the elements of the applicants invention except for the nozzle insert having a breakaway edge for producing a flat jet. However, Yoshida et al. shows a breakaway edge (12a) that water is directed towards and a flat jet is produced. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the breakaway edge of Yoshida et al. to the

nozzle insert of Walker et al. in order to produce a flat jet and spray a larger area on the windscreen.

Claims 1-3, 5-7, 12, 15-20 and 21-25 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052), in view of Martin et al. (2,927,601).

Murawa shows a nozzle for a washing system in particular for vehicle windscreens, comprising: a nozzle body (102) with a receiving device (107) provided in the nozzle body, into which receiving device a nozzle insert (120a, 120b) is inserted, and a valve (111) disposed within the nozzle body, wherein the nozzle insert influences a jet form of a liquid jet leaving the nozzle, the receiving device has at least two inlets (122a, 122b) for a cleaning liquid, and the nozzle insert is configured to influence the cleaning liquid coming from one inlet of the at least two inlets in a different manner from the cleaning liquid coming from another inlet of the at least two inlets, but does not specifically disclose that the valve controls liquid flow through the at least two inlets with a single moving member. However, Martin et al. shows a valve (the embodiment shown in figure 9) having one inlet, two outlets, and a single moving member (19) for controlling the flow through the outlets. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the valve of Martin et al. for the valve of Murawa, thereby connecting the outputs of Martin et al.'s valve to the inputs of the receiving device of Murawa, in order to allow liquid cleaner to

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enter the receiving device only when the circulator pump is functioning, as taught by Martin et al (column 2, lines 22-24).

In regards to claims 2, 3, and 22, the nozzle body can be fitted with different nozzle inserts to produce various types of jets well known in the art (column 2, lines 57-8).

Regarding claim 6, the liquid coming from both inlets does not mix inside the nozzle body.

In regards to claim 7, the nozzle insert (120a, 120b) together with at least one wall of the receiving device (101) facing the insert forms a chamber (108a, 108b), which influences the cleaning liquid.

In regards to claims 12 and 13, the inlets (122a, 122b) are perpendicular to the main jet direction of the jet forms to be produced (108a, 108b), and the nozzle insert (120a, 120b) has essentially a cuboid shape.

Regarding claim 15, the valve of Martin et al. can be controlled via the pressure of the cleaning liquid.

Regarding claims 16-18, 23 and 24, when a low pressure is applied the valve connects the input to at least one of the outputs, and when a high pressure is applied the valve connects the input to the other output (as long as the low pressure and the high pressure are strong enough to move the valve member 86). When no fluid is supplied, the valve separates the input from all outputs.

Regarding claims 19 and 20, the nozzle body inherently is connected to a pump (column 4, line 65).

. With respect to claims 20, 21 and 25, the conveying pump of Murawa as modified by Martin et al., delivers the cleaning liquid in a controlled manner with varying pressure (column 5, lines 14-7), in which the pressure variation is controlled as a function of the vehicle speed (column 5, lines 46-50 and column 6, lines 15-8).

Claims 8-10 and 14 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052), in view of Martin et al. (2,927,601), further in view of Berning et al (US 2003/0234303).

Murawa as modified by Martin et al., shows all the elements of the applicant's invention except for the nozzle insert having whirl chambers, formed together with at least one wall of the receiving device and each connected to separate inlets. However, Berning et al shows a nozzle insert (18) that forms a chamber (28, 30), which influences and/or guides the cleaning liquid. The chamber is a whirl chamber and is connected to an inlet (42) and has at least one jet guide to a nozzle opening (figure 2a). The nozzle insert (18) has a whirl chamber with a jet guide on one side (26), on the other side, opposite the first side, it has a second whirl chamber with a second jet guide (24), wherein the first whirl chamber (26) is connected to a first inlet (42) and the second whirl chamber (24) is connected to a second inlet (44). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the nozzle insert of Berning et al for that of Murawa as modified by Martin et al., in order to include the whirl chambers to atomize the cleaning liquid. With regards to claim 14, Berning's et al nozzle insert (18) is made of plastic and in particular is produced in a molding process (paragraph, 0042 lines 5-8).

Claim 11 is rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052), in view of Martin et al. (2,927,601), further in view of Yoshida et al (6,082,636).

Murawa as modified by Martin et al., as set forth in claim 1, shows all the elements of the applicant's invention except for the nozzle insert having a breakaway edge for producing a flat jet. However, Yoshida et al shows a breakaway edge (12a) that water is directed towards and a flat jet is produced. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the breakaway edge of Yoshida et al to the nozzle insert of Murawa as modified by Martin et al., in order to produce a flat jet and spray a larger area on the windscreen.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-20 and 22-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJB JJB 7/27/07


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